

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 1-12 will have been canceled and claims 13-25 will have newly been submitted for reconsideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding objection and rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, and for the acknowledgment of Applicant's claim for priority under 35 U.S.C. §119 and for confirmation of the receipt of the certified copies of the priority documents in the Official Action.

Applicant also notes with appreciation the Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application on July 1, 2003 and December 12, 2004 by the return of the initialed and signed PTO-1449 Forms, and for consideration of the documents cited in the Information Disclosure Statements.

However, Applicant has also filed an Information Disclosure Statement in the present application on April 29, 2002. The Official Action of March 14, 2005 did not indicate consideration by the Examiner of the documents cited therein. Thus, Applicant respectfully requests that the Examiner, in the next Official Action, confirm consideration of the documents cited in the Information Disclosure Statement of April 29, 2002.

Turning to the merits of the action, the Examiner has objected to claims 3, 4, 7, 9, and 11 because of informalities. By the present amendment, Applicant has canceled

P21951. A04

claims 3, 4, 7, 9, and 11 without prejudice or disclaimer. Thus, Applicant respectfully requests that the Examiner withdraw the objections.

The Examiner has rejected claims 1-3 and 5-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By the present amendment, Applicant has canceled claims 1-3 and 5-11 without prejudice or disclaimer. Thus, Applicant respectfully submits the Examiner that the rejection has been rendered moot. The newly submitted claims are free from any basis for rejection under 35 U.S.C. § 112, second paragraph.

The Examiner has rejected claims 8 and 9 under 35 U.S.C. § 101 because, as asserted by the Examiner, the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process. By the present amendment, Applicant has canceled claims 8 and 9 without prejudice or disclaimer. Thus, Applicant respectfully submits the Examiner that the rejection has been rendered moot.

Nevertheless, Applicant notes that claim 8 was directed to a user terminal "apparatus" and thus should not have any "steps involved in the process". Nevertheless, the newly submitted claims are free from any basis for rejection under 35 U.S.C. § 101.

The Examiner has rejected claims 1-12 under 35 U.S.C. § 102 (e) as being anticipated by KUMPF et al. (U.S. Patent No. 6,223,223).

As noted above, Applicant has canceled claims 1-12, and has submitted new claims 13-25. Applicant respectfully traverses the above rejection based on the newly

added claims 13-25 and will discuss the outstanding rejection with respect to these claims in the present application as will be set forth herein below. The newly added claims merely clarify the subject matter recited in the canceled claims, but do not narrow the scope of the claims.

Applicant's claims 13-18 generally relate to a scanner apparatus which scans image data and comprises an interface configured to be connected to a terminal apparatus via a network. The terminal apparatus is configured to be connected to a DHCP (Dynamic Host Configuration Protocol) server via the network. The DHCP server assigns one IP address to the terminal apparatus. The one IP address is assigned to the terminal apparatus for a predetermined time period. The scanner apparatus also comprises a controller which receives, from the terminal apparatus, the one IP address assigned to the terminal apparatus, and transmits the scanned image data to the terminal apparatus during the predetermined time period, based on the received one IP address assigned to the terminal apparatus. Further, the controller receives, from the terminal apparatus, another IP address assigned to the terminal apparatus when the predetermined time period elapses, the another IP address being assigned to the terminal apparatus for a further predetermined time period by the DHCP server, and transmits the scanned image data to the terminal apparatus during the further predetermined time period, based on the another IP address assigned to the terminal apparatus. Claims 19-23 recite related terminal apparatuses. Claim 24 recites a related system. Claim 25 recites a related method.

In direct contrast, KUMPF et al. relate to a system in which a client is connected to a peripheral, e.g., a scanner (col.2, line 61), via a server. The client transmits, to the

server, a command for opening a connection with the peripheral (col.3, lines 7-9). The server determines an availability of the peripheral (col.3, lines 20-22). When the scanner is available, the server locks the peripheral so as to prevent other clients from using the peripheral (col.4, lines 8-11).

However, KUMPF et al. do not disclose a DHCP server which assigns an IP address to a terminal apparatus for a predetermined time period, since the server of KUMPF et al. determines an availability of the peripheral and locks the peripheral so that it cannot be used by other clients.

KUMPF et al. also do not disclose a scanner apparatus which receives, from the terminal apparatus, the one IP address assigned to the terminal apparatus, since the peripheral of KUMPF et al. merely transmits, to the client, scanned image data (col.6, lines 3-5) and does not receive, from the client, one IP address assigned to the client.

Further, for the same reason, KUMPF et al. do not disclose a scanner apparatus which receives, from the terminal apparatus, another IP address assigned to the terminal apparatus when a predetermined time period elapses, the another IP address being assigned to the terminal apparatus for a further predetermined time period by the DHCP server.

On the other hand, the present invention recites a DHCP server which assigns an IP address to a terminal apparatus for a predetermined time period. The present invention also recites a scanner apparatus which receives, from the terminal apparatus, the one IP address assigned to the terminal apparatus. Further, the present invention recites a scanner apparatus which receives, from the terminal apparatus, another IP address assigned to the terminal apparatus when a predetermined time period elapses,

the another IP address being assigned to the terminal apparatus for a further predetermined time period by the DHCP server. Thus, the pending claims are clearly distinguished over KUMPH et al.

While KUMPF et al. disclose a server-idle-timer, it is used to measure a time period during which no data is transmitted. Applicant claims, however, requires that the scanner transmit data to the terminal apparatus during the predetermined time period. Further, KUMPF et al. do not assign another IP address to the terminal apparatus when the predetermined time period elapses.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-25 are not disclosed in KUMPF et al. cited by the Examiner.

Additionally, the Examiner asserts that "obtaining an IP address is inherent to and a prerequisite to communicating on a TCP/IP network". While having an IP address is prerequisite to communicating on an TCP/IP network, the assigning of an IP address by a DHCP server for a predetermined period of time is neither inherent or a prerequisite to communicating on a TCP/IP network.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding objection and rejections, and requests an indication of the allowability of all the claims pending in the present application, in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims and has submitted the new claims for reconsideration by the Examiner. With respect to the pending claims, Applicant has pointed out the features thereof and has contrasted the features of the new claims with the disclosures of the reference. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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June 10, 2005  
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